

CENTRAL ADMINISTRATIVE TRIBUNAL  
CALCUTTA BENCH

No. MA 3 of 2002  
OA 1039 of 96

Date of order : 3.8.04

Present : Hon'ble Mr. S.K. Hajra, Administrative Member  
Hon'ble Mr. K.V. Sachidanandan, Judicial Member

MD. ILIAS

VS

UNION OF INDIA & ORS.

For the applicant : None

For the respondents: Mr. P.K. Arora, counsel

O R D E R

K.V. Sachidanandan, J.M.

The applicant who was employed as Aaya in the Railway Hospital has filed this OA seeking the following reliefs :

a) to direct the respondents to assign proper basic pay after reckoning annual increments in the pay from the date of her removal from service in 1965 and thereafter compute the retiral benefits including arrear salary, provident fund, DCRG, leave salary, etc. as also pension and computation value and the arrears arising out therefrom.

b) to direct the respondents to furnish detailed break up of the amount paid to the applicant.

2. The grievance of the applicant is that she was not disbursed with the full retiral benefits and due to wrong calculation lesser amount was paid to her. She also averred in the OA that the Ld. Munsiff passed an order and decree dated 11.6.68 and subsequently the Appellate Court confirmed the decree declaring the dismissal as illegal and finally on her re-instatement these benefits were not granted and she has filed this OA. But in the meantime the original applicant, Kulsum Bibi has died on 10.11.01.

3. Mr. S.K. Ghosh, ld. counsel was previously appearing for the applicant. After his sad demise nobody appeared on behalf of the applicant. Mr. P.K. Arora, ld. counsel is appearing for the respondents.

4. The respondents' specific case is that the entire benefit has been disbursed to the applicant while she was alive. The operative portion of the reply is reproduced as under :



... 2/-

"VI) That in compliance of the Hon'ble CAT/Calcutta's judgment dated 21.9.93 in OA 771/87, the pay of the applicant was recasted treating her suspension period from 1.1.96 to 11.7.80 as on duty and accordingly her pay was fixed Rs.1050/- w.e.f. 1.2.93. Arrears due arising out of the above recasting was duly paid to her as were admissible amounting to Rs.11894/and Rs.10000/- as compensation including crediting of leave.

VII) That the retirement benefits based on Rs.1050/- as her last pay paid to the applicant are furnished below :

- i) Self Pension : @ Rs.525/- + 510/-(R) w.e.f. 1.2.94 vide PPO No.ER/ASN/14069/1994/505.
- ii) Commutation of final pension amounting to Rs.21966/- vide CO7 No.092846 of 21.1.94.
- iii) DCRG amounting to Rs.20790/- vide CO7 No. 092846 of 20.1.94.
- iv) NGPF - amounting Rs.16,604/- - vide CO7 No.1003779 dated 27.1.95.
- v) Transfer & Pack allowance amounting to Rs.844/-
- vi) REIS - amounting to Rs.990/- was passed vide CO7 No.100370 dt. 21.1.94.

VIII) As such all pensionary benefit, arrears compensation as well as allowances have been paid to the applicant correctly and timely."

5. MA 3/2002 has been filed by one Mr.Ilias claiming that he is entitled to get the retiral benefits of the deceased person. The documents that have been produced by the said applicant in the MA are opposed by the respondents and discrepancies are pointed out. However, considering the fact that this is a very long pending case and no one is appearing for the applicant we are of the view that the matter has to be disposed of at this stage.

6. Therefore we <sup>Record.</sup> the above submission and close the OA. However, we make it clear that if any applicant ~~much less to say the applicant~~ in MA 3/2002 is aggrieved by this order he is at liberty to approach the appropriate forum and seek redressal accordingly.

7. Accordingly the MA and the OA stand disposed of. No order as to costs.

  
MEMBER(J)

in

  
MEMBER(A)